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8 Attorneys for Appellant Bryan Cave LLP

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10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 In re
14 ESTATE FINANCIAL INC.,
15 Debtor.

16
17 BRYAN CAVE LLP,
18 Appellant,
19 vs.

20 THOMAS P. JEREMIASSEN, Trustee for
the estate of Estate Financial, Inc.,
21 Appellee.
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CASE NO. 2:11-CV-07109-SJO

[Regarding Chapter 11 Bankruptcy
Case No. 9:08-bk-11457-RR]

The Hon. S. James Otero

**NOTICE OF FILING OF ORDER
BEING APPEALED FROM
PURSUANT TO COURT ORDER**

[No Hearing Required]

1 **PLEASE TAKE NOTICE** that, pursuant to this Court's Notice Regarding
2 Appeal From Bankruptcy Court, filed on August 29, 2011 in the above-captioned case
3 (Dkt. No. 1), Appellant Bryan Cave LLP ("Bryan Cave") hereby files the order being
4 appealed from which is attached hereto as **Exhibit A**.

5
6 DATED: August 30, 2011

KEVIN S. ROSEN
CRAIG H. MILLET
MICHAEL B. SMITH
GIBSON, DUNN & CRUTCHER LLP

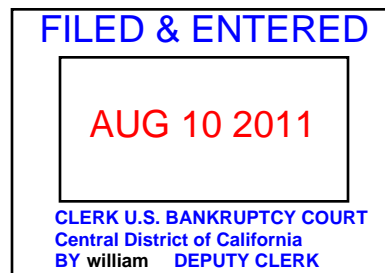
9 By: /s/ Douglas S. Levin
10 Douglas S. Levin

11 Attorneys for Appellant Bryan Cave LLP
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EXHIBIT A

LARRY W. GABRIEL [SBN 68329]
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Telephone: (818) 827-9000
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Special Litigation Counsel for Plaintiff,
Thomas P. Jeremiassen, Chapter 11 Trustee



CHANGES MADE BY COURT

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
NORTHERN DIVISION**

In re

ESTATE FINANCIAL, INC.,

Debtor.

Case No. 9:08-bk-11457-RR

Chapter 11

**ORDER DENYING BRYAN CAVE, LLP's
MOTION FOR ORDER WITHDRAWING
CLAIM NO. 69-1 WITH PREJUDICE**

(Proposed)

The Motion of Bryan Cave, LLP ("Bryan Cave") For Order Withdrawing Claim No. 69-1 With Prejudice came on for hearing on July 15, 2011, at 10:00 a.m. in the above entitled Court, and after consideration of the motion of Bryan Cave, the opposition filed by the EFI Trustee, and the reply filed by Bryan Cave, with the court's findings on the record,

IT IS HEREBY ORDERED that the Motion of Bryan Cave For Order Withdrawing Claim No. 69-1 is DENIED without prejudice.

###

A handwritten signature in black ink that reads "Robin Ribet".

DATED: August 10, 2011

United States Bankruptcy Judge

In re: Estate Financial, Inc.

Debtor(s).

CHAPTER 11

CASE NUMBER 9:08-bk-11457-RR

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **21650 Oxnard Street, Suite 500, Woodland Hills, California 91367**

A true and correct copy of the foregoing document entitled **ORDER DENYING BRYAN CAVE, LLP'S MOTION FOR ORDER WITHDRAWING CLAIM NO. 69-1 WITH PREJUDICE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On **July 26, 2011**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

VIA U.S. MAIL

Honorable Robin L. Riblet
United States Bankruptcy Court
1415 State Street, Suite 103
Santa Barbara, CA 93101-2511

☒ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **July 26, 2011**, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

James L. Sanders - jsanders@reedsmith.com
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☒

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

July 26, 2011

JESSICA ROEL

/s/ Jessica Roel

Date

Type Name

Signature

In re: Estate Financial, Inc.

Debtor(s).

CHAPTER 11

CASE NUMBER 9:08-bk-11457-RR

III. SERVED BY EMAIL

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- Edward T Weber bknotice@rcolegal.com

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- 4 • Jonathan R. Zeko jzeko@grantandzeko.com

5 **II. SERVED BY U.S. MAIL**

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11 Conselho Supremo Da Sociedade Do Espirito	10624 Colorado Road
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13 San Leandro, CA 94577-4545	
14	Cheryl Brown
15 James Adams	4773 Bodega Avenue
16 826 Vales Street	Petaluma, CA 94952
17 Santa Barbara, CA 93109	
18	Elizabeth Anne Butterworth
19 Michael Adler	721 Jasmine
20 c/o Goe & Forsythe, LLP	Corona del Mar, CA 92625
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22 Irvine, CA 92612	Calaveras Lumber Company
23	c/o Steven S Altman
24 Lorraine Marie Alltounian	1127 12th St., Ste 104
25 P. O. Box 403	Modesto, CA 95353
26 Pismo Beach, CA 93448-0403	
27	California Plastering Inc
28 Anderson, McPharlin & Connors LLP	c/o Jina A Nam/Green & Campbell
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Los Angeles, CA 90071-2901	
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	Atascadero, CA 93422
Linda A. Barlow	Donna L. Wobber
2700 N.Main St # 850	Donald R. Wobber
Santa Ana, CA 92705-6638	560 Grove Acre Ave.
	Pacific Grove, CA 93950

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5	Jon F. Gauthier 8620 Spectrum Center Blvd Ste 900 San Diego, CA 92123-1454	Kurt G. Stone, Trustee of the Zalusky Trust 126 Longfellow Ct. Thousand Oaks, CA 91360
6		
7	Jon F. Gauthier Marks Golia & Finch LLP 8620 Spectrum Center Blvd Ste 900 San Diego, CA 92123-1454	LECG LLC 201 S. Main St., Ste 450 Salt Lake City, UT 84111
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9	George and Cathy Hoxie 3386 Herrier St. Oakland, CA 94602	LECG LLC 2049 Century Park East Ste 2300 Los Angeles, CA 90067
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11	Robert P. Goe, Esq. Goe & Forsythe LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612	Lance E. Mason 1212 Calle Cerrito Santa Barbara, CA 93101
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13	Haribol Siddhadas GrassRoots Fine Gardening 3463 State St. Santa Barbara, CA 93105-2552	Lewis R. Landau Atty for Estate Financial Mortgage Fund 23564 Calabasas Road, Ste. 104 Calabasas, CA 91302
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26	Louise Kalsham 440 Kerwin Cambria, CA 93428	Mitch Brown Construction, Inc. 14200 Road 284 Porterville, CA 93257
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28		Charles W. Murray 2853 Johnson Ave. San Luis Obispo, CA 93401-5802

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5		<u>Chapter 11 Trustee for EFMF</u> Bradley N. Sharp 333 S. Grand Avenue Los Angeles, CA 90071
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9		<u>Committee Member</u> Thomas K. Schultheis 4455 Via Bendita Santa Barbara, CA 93110
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12	State Comp Ins Fund PO Box 9102 Pleasanton, CA 94566-9102	
13		<u>Committee Member</u> John G. Henry, M.D. 1905 Hidden Valley Road Templeton, CA 93465
14	The Investment Company 139 Via Fuchsia Paso Robles, CA 93446	
15		<u>Atty for Creditor Tom Besmer</u> <u>Construction, Inc.</u> Jeffrey D. Rowe Law Offices of Jeffrey D. Rowe 23377 West Shaw Avenue, Suite101 Fresno, CA 93711
16	Kay Tomamichel c/o Goe & Forsythe, LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612	
17		<u>Attys for California Plastering, Inc.</u> Todd M. Wolfe, Esq. Green & Campbell, LLP 1777 E. Los Angeles Avenue, Suite 201 Simi Valley, CA 93065
18	Alice E. White Trustee for Alice E. White Trust 158 Via Robles Paso Robles, CA 93446-3926	
19		<u>Counsel for Centennial Livestock</u> Roger Frederickson, Esq. Sinsheimer, Juhnke, Lebens & Mclvor 1010 Peach Street San Luis Obispo, CA 93406
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21	Kenneth D. Willett 786 Oxen St. Paso Robles, CA 93446	
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23	Shane Williams 2259 Florence Ave. San Luis Obispo, CA 93401	
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25	Johnathan R Zeko GRANT & ZEKO APC 1331 India St. San Diego, CA 92101	
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Pensco Trust Company Custodian FBO Michael Adler c/o Goe & Forsythe, LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612	
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In re: Estate Financial, Inc.

Debtor(s).

CHAPTER 11

CASE NUMBER 9:08-bk-11457-RR

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER DENYING BRYAN CAVE, LLPS MOTION FOR ORDER WITHDRAWING CLAIM NO. 69-1 WITH PREJUDICE** was entered on the date indicated as Entered on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of **July 26, 2011**, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

- Thomas M Geher tmg@jmbm.com
- Craig Millet cmillet@gibsondunn.com, pcrawford@gibsondunn.com
- Jennifer L. Nelson jlnelson@reedsmith.com
- Larry W. Gabriel lgabriel@ebg-law.com
- United States Trustee (ND) ustpreion16.nd.ecf@usdoj.gov

☒ Service information continued on attached page

II. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

☐ Service information continued on attached page

III. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an Entered stamp, the party lodging the judgment or order will serve a complete copy bearing an Entered stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

☒ Service information continued on attached page

In re: Estate Financial, Inc.	Debtor(s).	CHAPTER 11 CASE NUMBER 9:08-bk-11457-RR
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I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):

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III. TO BE SERVED BY THE LODGING PARTY VIA U.S. MAIL

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5	Jon F. Gauthier Marks Golia & Finch LLP 8620 Spectrum Center Blvd Ste 900 San Diego, CA 92123-1454	LECG LLC 201 S. Main St., Ste 450 Salt Lake City, UT 84111
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7	George and Cathy Hoxie 3386 Herrier St. Oakland, CA 94602	LECG LLC 2049 Century Park East Ste 2300 Los Angeles, CA 90067
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9	Robert P. Goe, Esq. Goe & Forsythe LLP 18101 Von Karman Ave., Ste 510 Irvine, CA 92612	Lance E. Mason 1212 Calle Cerrito Santa Barbara, CA 93101
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11	Haribol Siddhadas GrassRoots Fine Gardening 3463 State St. Santa Barbara, CA 93105-2552	Lewis R. Landau Atty for Estate Financial Mortgage Fund 23564 Calabasas Road, Ste. 104 Calabasas, CA 91302
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14	Highwater Granada Hills, LLC c/o Byron Z. Moldo, Esq. Moldo Davidson et al. 2029 Century Park East, 21st Floor Los Angeles, CA 90067	Lauderdale Law Offices 150 Carmelito Ave Monterey, CA 93940
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PROOF OF SERVICE

I, Pam Crawford, declare as follows:

I am employed in the County of Orange, State of California, I am over the age of eighteen years and am not a party to this action; my business address is 3161 Michelson Drive, Ste. 1200, Irvine, CA 92612, in said County and State. On August 30, 2011, I served the following document(s):

NOTICE OF FILING OF ORDER BEING APPEALED FROM PURSUANT TO COURT ORDER

on the parties stated below, by the following means of service:

- **Craig H Millet**
cmillet@gibsondunn.com, pcrawford@gibsondunn.com
- **Kevin S Rosen**
krosen@gibsondunn.com
- **Michael B Smith**
msmith@gibsondunn.com, msawyer@gibsondunn.com
- **Corey Ryan Weber**
cweber@ebg-law.com

☐ **BY UNITED STATES MAIL:** I placed a true copy in a sealed envelope or package addressed to the persons as indicated above, on the above-mentioned date, and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited with the U.S. Postal Service in the ordinary course of business in a sealed envelope with postage fully prepaid. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing set forth in this declaration.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at [City, State].

☐ **BY MESSENGER SERVICE:** I placed a true copy in a sealed envelope or package addressed to the persons at the addresses listed above and providing them to a professional messenger service for service for delivery before 5:00 p.m. on the above-mentioned date. *(A declaration by the messenger must accompany this Proof of Service.)*

☐ **BY FAX TRANSMISSION:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above at [time] [am/pm] on [date]. The telephone number of the sending fax machine is [number] No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached. This transmission report was properly issued by the sending fax machine.

☐ **BY OVERNIGHT DELIVERY:** On the above-mentioned date, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses shown above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier with delivery fees paid or provided for.

☐ **BY LEXISNEXIS:** I provided the document(s) listed above electronically to LexisNexis through the LexisNexis

1 File & Serve website pursuant to the order authorizing electronic service and the instructions on that website.

2 ☒ **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I electronically uploaded a true
3 and correct copy in Adobe "pdf" format the above-listed document(s) to the United States District Court's Case
4 Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is
deemed complete upon receipt of the Notice of Electronic Filing ("NEF") by the registered CM/ECF users.

5 ☐ **BY ELECTRONIC SERVICE:** On the above-mentioned date at [time] [am/pm], based on a court order or an
6 agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the
persons at the electronic notification addresses as shown above.

7 ☐ I am employed in the office of [attorney name], a member of the bar of this court, and that the foregoing
document(s) was(were) printed on recycled paper.

8 ☐ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is
9 true and correct.

10 ☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

11 Executed on August 30, 2011.

12 /s/ Pam Crawford

13 Pam Crawford
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